

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Cooper	Team: Squad #11	CCRB Case #: 201507661	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 08/24/2015 6:00 PM	Location of Incident: [REDACTED]	Precinct: 42	18 Mo. SOL 2/24/2017	EO SOL 2/24/2017	
Date/Time CV Reported Thu, 09/10/2015 10:20 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 09/10/2015 10:20 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT Jason Korpolski	1591	[REDACTED]	PSA 7
2. An officer		[REDACTED]	

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Ryan Gargan	20948	[REDACTED]	PSA 7
2. CPT Jerry Osullivan	00000	[REDACTED]	PSA 7
3. POM Juan Candelario	06688	[REDACTED]	PSA 7
4. POM Yahkeem Allah	11719	[REDACTED]	PSA 7
5. POM Michael Pando	17640	[REDACTED]	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against [REDACTED]	[REDACTED]
B. SGT Jason Korpolski	Abuse: Sgt. Jason Korpolski entered and searched [REDACTED] in the Bronx.	[REDACTED]

### Case Summary

On August 24, 2015, 6:00 p.m., Sgt. Jason Korpolski, and other officers from the PSA7 Conditions Team knocked on the front door of [REDACTED] in the Bronx, which belongs to [REDACTED] who was not at home. [REDACTED] son, [REDACTED] was at home with his girlfriend, [REDACTED] and a young child. After [REDACTED] heard the officers knock, she opened the door, was pushed to the ground (**Allegation A**) and handcuffed, and officers entered the apartment (**Allegation B**). [REDACTED] arrived at the apartment and Sgt. Korpolski provided her with a Consent to Search (PD541-030) form (**Board Review 9**), which she refused to sign. The officers then left the apartment and PO Ryan Gargan of PSA 7 went to Bronx County Criminal Court and obtained an emergency search warrant for the location. At approximately 11:00 p.m., Sgt. Korpolski returned to the apartment and he and the other officers searched the apartment (**within Allegation B**). [REDACTED] and [REDACTED] were both arrested and charged with criminal possession of a weapon and ammunition, endangering the welfare of a child, criminal use of drug paraphernalia, criminal possession of a controlled substance, and unlawful possession of marijuana.

There is no video evidence for this case.

§ 87(2)(b)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(b) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### Civilian and Officer Histories

- This is the first complaint filed by [REDACTED] and [REDACTED] (**Board Review 3**).
- Sgt. Jason Korpolski has been a member of service for 9 years; has no substantiated allegations and no pattern of misconduct.

### Potential Issues

Both [REDACTED] and [REDACTED] were uncooperative with the investigation (**Board Review 24**).

### Findings and Recommendations

**Allegation A- An officer used physical force against [REDACTED]. [REDACTED]**

**Allegation B- Sgt. Jason Korpolski entered and searched [REDACTED] in the Bronx.**

[REDACTED] [REDACTED] stated that officers knocked on her door for 30-40 minutes and told everyone to get on the ground. When she opened the door, she was immediately pushed to the ground and handcuffed and officers entered the apartment. [REDACTED] [REDACTED] was removed from the apartment, and officers asked [REDACTED] [REDACTED] if there was anything in the apartment, and she denied there was contraband. [REDACTED] [REDACTED] arrived, refused to sign the consent to search form, and they were removed from the apartment (**Board Review 27**). [REDACTED] [REDACTED] corroborated that she was not at home and refused to sign the consent to search form. She confirmed that she did not see officers search her home at this time, they were removed from the home, and the officers returned later, searched the apartment, and showed her the warrant they had obtained to do so. [REDACTED] [REDACTED] alleged candles and other items were moved and damaged during the search (**Board Review 26, 30 -44**). It is undisputed that when [REDACTED] [REDACTED] arrived, she refused to sign the consent to search form, PO Gargan went to the Bronx County Criminal Court and obtained Search Warrant [REDACTED] [REDACTED] signed by Supreme Court Judge Mary Rosado (**Board Review 10**), and they re-entered, searched the apartment, and recovered a scale with cocaine residue, two gravity knives, one knife, a dagger, an extended magazine and additional ammunition.

Sgt. Korpolski stated that prior to arriving at the location, [REDACTED] [REDACTED] was observed in a narcotics transaction and began to flee on foot while the other person observed fled in a white vehicle. The officers who made the observation pursued [REDACTED] [REDACTED] until he reached [REDACTED] [REDACTED] and went into apartment [REDACTED]. The officers told Sgt. Korpolski that they surrounded the building and as they did, PO Michael Pando saw [REDACTED] [REDACTED] throw marijuana and crack cocaine from the rear bedroom window of the apartment, which was retrieved. Sgt. Korpolski ran [REDACTED] [REDACTED] name and saw that he had prior arrests and recalled that [REDACTED] [REDACTED] is a known drug dealer. After running [REDACTED] [REDACTED] name, Sgt. Korpolski suspected there was going to be a weapon inside the apartment because the area they were in is a high drug prone location, [REDACTED] [REDACTED] information that he obtained after running his name, and [REDACTED] [REDACTED] prior arrest history. PO Ryan Gargan, PO Yahkeem Allah and PO Michael Pando knocked on the door for about 15-20 minutes prior to Sgt. Korpolski's arrival. Sgt. Korpolski did not hear any noises or hear any movement from the apartment. Sgt. Korpolski called ESU at this time because [REDACTED] [REDACTED] was considered a barricaded perpetrator. Sgt. Korpolski knocked on the door again. This time, [REDACTED] [REDACTED] opened the front door. Sgt. Korpolski entered the apartment first and the other officer entered behind him. Sgt. Korpolski had his Taser drawn and the other officers had their firearms drawn. The officers drew their weapon because they felt threatened for their safety and they did not know what was on the other side of the door.

Upon opening the door, [REDACTED] [REDACTED] stepped out of the threshold of the doorway and an officer placed her in handcuffs. Sgt. Korpolski did not handcuff [REDACTED] [REDACTED] and did not know which

officer had handcuffed her., but denied that [REDACTED] was pushed to the ground. [REDACTED] was placed in handcuffs because he was considered under arrest for the drug transaction that was observed and for throwing drugs out the window. At this time, [REDACTED] was placed in handcuffs for the officers' safety because they did not know what was going on inside the apartment. Sometime after being let into the apartment, the Emergency Service Unit arrived but they were no longer needed and did not stay at the location. Sgt. Korpolski and PO Pando looked inside the rooms of the apartments to make sure there were no other individuals present inside apartment. Sgt. Korpolski and PO Pando went into two bedrooms and the bathroom. The officers did not go into any closet, drawers or boxes.

As laid out in People v. McBride, 2010 NY Slip Op 3473; 14 N.Y. 3d 440; 928 N.E. 2d 1027 902 N.Y.S.2d 830; 2010 N.Y., Police may enter home without a warrant to arrest an individual if they have probable cause and exigent circumstances. In determining the existence of exigent circumstances, courts look at the following factors: (1) the gravity or violent nature of the offense with which the suspect is to be charged; (2) whether the suspect is reasonably believed to be armed; (3) a clear showing of probable cause to believe that the suspect committed the crime; (4) strong reason to believe that the suspect is in the premises being entered; (5) a likelihood that the suspect will escape if not swiftly apprehended; and (6) the peaceful circumstances of the entry (**Board Review 23**). In PD v. Gliner, officers are given broad discretion to draw or point their firearms during inherently dangerous situations (**Board Review 21**). According to Patrol Guide Procedure 203-11, officers are allowed to use the minimal amount of force necessary to arrest an individual (**Board Review 22**). According to New York Criminal Procedure Law 690.50, officers may search a premise under the authority of a valid search warrant (**Board Review 20**).

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Squad: 11

Investigator:	_____	_____	_____
	Signature	Print	Date

Pod Leader:	_____	_____	_____
	Title/Signature	Print	Date

Attorney:	_____	_____	_____
	Title/Signature	Print	Date